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CLARK COUNTY DEPARTMENT OF AVIATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PATRICK BROUSSARD,
Plaintiff,

vs.

CLARK COUNTY DEPARTMENT OF
AVIATION and LOCAL 1107 SEIU,
Defendants.

Case No. 2:10-CV-01284-PMP-RJJ

**MOTION TO QUASH SUBPOENA
(Doc. #32)**

Comes now, Defendant Clark County Department of Aviation¹ (hereinafter “Defendant CCDOA”), by and through its attorneys of record, and hereby moves this Court for an Order quashing Plaintiff Patrick Broussard’s (hereinafter “Mr. Broussard” or “Plaintiff”) subpoena pursuant to Rule 45(c)(3) of the Federal Rules of Civil Procedure.

On July 8, 2011, the Clerk of Court issued Plaintiff a “Subpoena To Testify at a Deposition or to Produce Documents in a Civil Action” wherein Plaintiff requested that Defendant CCDOA produce certain documents. (**Docket #32**). As this Court is aware, however, Mr. Broussard’s action was dismissed with prejudice as to Defendant CCDOA on December 6, 2010. (**Docket #22**).

¹ The Clark County Department of Aviation, while a separate operating department of Clark County, is not a separate legal entity for purposes of liability. As such, the concept of liability for the Department of Aviation as a separate entity is a fiction, and the only appropriately named party Defendant in this action for purposes of liability would be the County of Clark.

1 Mr. Broussard then filed a Petition for Writ of Mandamus with the Ninth Circuit (Case No.
2 11-70783), which petition was denied by the Ninth Circuit in an Order dated July 5, 2011. A true
3 and correct copy of the Order of the United States Court of Appeals for the Ninth Circuit is attached
4 hereto as **Exhibit 1**.

5 Because Plaintiff's action against Defendant CCDOA has been dismissed with prejudice, and
6 the Ninth Circuit did not remand to this Court based on Mr. Broussard's denied Writ of Mandamus,
7 there is no existing matter for which the Subpoena may properly be issued. Consequently,
8 Defendant CCDOA respectfully requests this Court to quash Mr. Broussard's subpoena and instruct
9 him not to seek to issue further subpoenas pertaining to this matter.

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11 Dated: July 13, 2011

12 Respectfully submitted,

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15 BRUCE C. YOUNG, ESQ.
16 KRISTINA N. ESCAMILLA, ESQ.
17 LITTLER MENDELSON

18 Attorneys for Defendant
19 CLARK COUNTY DEPARTMENT OF
20 AVIATION

21 SO ORDERED. SUBPOENA [32] IS HEREBY QUASHED.

22 
23 U. MAGISTRATE JUDGE

24 DATE: JULY 21, 2011
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